

CHAPTER 20.30

RESIDENTIAL ZONING DISTRICTS

Part 1 General

20.30.010 Residential Zoning Districts

- A. This Chapter sets forth the land use and development regulations applicable to the Residential Zoning Districts established by Section 20.10.060.
- B. No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the R-1, R-2, R-M, and R-MH Residential Districts except as set forth in this Chapter.
- C. The purposes of the Residential Districts are as follows:
 - 1. R-1 Single-Family Residence District

The purpose of the single-family residence district is to reserve land for the construction, use and occupancy of single-family subdivisions. The allowable density range for the R-1 Districts is 1 to 8 dwelling units per acre.

- 2. R-2 Two-Family Residence District

The purpose of the two-family residence district is to reserve land for the construction, use and occupancy of single-family and two-family subdivisions. The allowable density range for the R-2 District is 8 to 14.5 dwelling units per acre.

- 3. R-M Multiple Residence District

The purpose of the multiple residence district is to reserve land for the construction, use and occupancy of higher density residential development. The maximum allowable density range for the R-M District is 25 dwelling units per acre.

- 4. R-MH Mobilehome Park District

The purpose of the mobilehome park district is to reserve land for the construction, use and occupancy of mobilehome development.

Part 2 Uses Allowed

20.30.100 Allowed Uses and Permit Requirements

- A. “Permitted” land uses are indicated by a “P” on Table 20-50. .
- B. “Conditional” uses are indicated by a “C” on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. “Special” uses are indicated by a “S” on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. Land uses not Permitted are indicated by a “-” on Table 20-50. Land uses not listed on Table 20-50 are not Permitted.
- E. When the right column of Table 20-50 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

| Table 20-50 Residential Districts Land Use Regulations | | | | | |
|---|-----------------|-----|-----|------|-----------------------------|
| Use | Zoning District | | | | Applicable Sections & Notes |
| | R-1 | R-2 | R-M | R-MH | |
| Residential Uses | | | | | |
| One-family dwelling | P | P | P | C | Note 1, Section 20.30.110 |
| Two-family dwelling | - | P | P | - | Note 2, Section 20.30.110 |
| Multiple dwelling | - | - | P | - | |
| Guesthouse | - | - | C | - | Section 20.30.120 |
| Mobilehome Parks | - | - | - | P | |
| Travel Trailer Parks | - | - | - | C | |
| Residential Care Facility, six or fewer persons | P | P | P | P | |
| Residential Care Facility, seven or more persons | - | - | C | C | |
| Residential Service Facility, six or fewer persons | P | P | P | P | |
| Residential Service Facility, seven or more persons | - | - | C | C | |
| Servants quarters attached to a one-family dwelling or attached to a garage structure | P | - | - | - | Note 3 |

| Table 20-50 Residential Districts Land Use Regulations | | | | | |
|--|-----------------|-----|-----|------|---|
| Use | Zoning District | | | | Applicable Sections & Notes |
| | R-1 | R-2 | R-M | R-MH | |
| Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions | - | - | C | - | |
| Single Room Occupancy Living Unit | - | - | C | - | Part 15, Chapter 20.80 |
| Residential Accessory Uses and Improvements | | | | | |
| Accessory buildings and structures | P | P | P | P | Note 4, Section 20.80.200 |
| Home Occupations | P | P | P | P | Part 9, Chapter 20.80 |
| Entertainment and Recreation Related | | | | | |
| Equestrian and riding club | C | - | - | - | |
| Golf course | C | C | C | - | Note 5 |
| Private club or lodge | - | - | C | - | |
| Swim and tennis club | C | C | C | C | |
| Education and Training | | | | | |
| Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site | P | P | P | P | |
| Day care center | C | C | C | C | |
| School- elementary and secondary (Public) | P | P | P | - | |
| School- elementary and secondary (Private) | C | C | C | - | |
| Public, Quasi-Public and Assembly Uses | | | | | |
| Cemetery | C | C | C | C | |
| Church/Religious Assembly | C | C | C | C | |
| Museums, libraries, parks, playgrounds, or community centers (Privately operated) | C | C | C | C | |
| Museums, libraries, parks, playgrounds, or community centers (Publicly operated) | P | P | P | P | |
| Health and Veterinary Services | | | | | |
| Emergency ambulance service | C | C | C | C | |
| General Services | | | | | |
| Bed & Breakfast | C | C | C | - | |
| Transportation and Utilities | | | | | |
| Community television antenna systems | C | C | C | C | |
| Off-site, alternating use and alternative use parking arrangements | S | S | S | S | Section 20.90.200 |
| Parking establishment, off-street | C | C | C | C | Section 20.90.150 |
| Utility facilities, excluding corporation yards, storage or repair yards and warehouses | C | C | C | C | |
| Wireless communication antenna | C | C | C | C | Sections 20.30.130, 20.30.140 and 20.100.1300 |
| Wireless communication antenna, slimline pole | S | S | S | S | Sections 20.30.130, 20.30.140, and 20.80.1900 |

| Table 20-50 Residential Districts Land Use Regulations | | | | | |
|---|-----------------|-----|-----|------|---|
| Use | Zoning District | | | | Applicable Sections & Notes |
| | R-1 | R-2 | R-M | R-MH | |
| Wireless communication antenna, building mounted | P | P | P | P | Sections 20.30.130, 20.30.140, 20.80.1910 |
| Electrical Power Generation | | | | | |
| Stand-by/Backup | | | | | |
| Facilities that do not exceed noise or air standards | S | S | S | S | Note 7 |
| Facilities that do exceed noise or air standards | - | - | - | - | |
| Photovoltaic | P | P | P | P | Note 6 |

Notes:

1. Only one one-family dwelling unit per lot in the R-1, R-2, R-M and R-MH Districts.
2. Only one dwelling structure per lot in the R-2 District.
3. Only permitted in the R-1-1 Estate Residential District.
4. No lot may be used solely for an accessory structure or building.
5. No driving ranges or miniature golf facilities.
6. Photovoltaic (PV) systems in the R-M zoning district may be processed through Permit Adjustment. PV systems for single-family or duplex lots do not require a Planning approval.
7. Stand-by or backup generators that would not otherwise require some permit from the City (including but not limited to building, electrical, or mechanical), and do meet the applicable noise and air standards are not subject to the Special Use Permit requirement.

20.30.110 Incidental Uses

In addition to the occupancy of a dwelling as a residence, the following incidental uses are permitted:

1. The rental of rooms in a one-family dwelling to up to three guests and in a two-family dwelling to up to two guests, by each family if such use is clearly incidental to the occupancy of the dwelling unit by said family as its own residence, and such rental is for a period of time longer than thirty (30) days and there are no more than six (6) persons living in the dwelling.
2. State Licensed Family Day Care Home.
3. The following non-commercial activities:
 - a. A garage sale consisting of the occupants' personal property;
 - b. Sale of goods hand-produced by the occupants;

- c. Sales parties held for the purpose of selling goods to invited guests. Such parties shall be held inside a permanent structure or in the rear yard of the dwelling unit.
- 3. To qualify as a non-commercial activity:
 - a. No more than two (2) such sales are allowed in any calendar year;
 - b. No such sale can be conducted for more than four (4) consecutive days;
 - c. Such sales shall only be conducted between the hours of nine o'clock a.m. and nine o'clock p.m.

20.30.120 Guesthouses

The following restrictions apply to Guesthouses:

- 1. Meals and housekeeping services may be provided with the lodging, but only to resident guests.
- 2. All cooking facilities must be in a single, common kitchen; no rooms shall have any cooking facilities.
- 3. No services may be provided to non-residents.
- 4. All required state licenses must be maintained.
- 5. No more than three (3) guest rooms may have separate external entryways.

20.30.125 Residential Uses - Prohibition on Provision of Services to Nonresidents

No residential use which includes the provision of services to residents may offer services to nonresidents.

20.30.130 Wireless Communications Antennae on Residentially-Zoned Parcels with a Non-residential Use

Wireless Communications Antennae are allowed in Residential Districts pursuant to Table 20-50 only if all of the following criteria are met:

- A. The proposed antenna is located upon a parcel with a non-residential use; and
- B. The proposed antenna is located either:

1. More than thirty-five (35) feet away from the nearest residential use; or at least one (1) foot away from the nearest residential use for every foot of monopole height, whichever distance is greater; or
2. More than twenty (20) feet away from the nearest residential use if the proposed antenna is mounted on an existing utility structure within a utility corridor.

20.30.140 Wireless Communications Antennae on Residentially Zoned Parcels with a Residential Use

Wireless Communications Antennae of any type located on residentially zoned parcels with a residential use shall require a Conditional Use Permit pursuant to the provisions of Chapter 20.100 of this Title.

Part 3 Development Regulations

20.30.200 Development Standards

All development in the Residential Zoning Districts shall conform to the development regulations set forth below in Table 20-60.

| Table 20-60 Residential Zoning Districts Development Standards | | | | | | | | |
|---|-------------------|-------|--------|--------|---------|-------|-------|-------|
| Regulations | Zoning District | | | | | | | |
| | R-1-8 | R-1-5 | R-1-2 | R-1-1 | R-1-RR | R-2 | R-M | R-MH |
| Minimum Lot Area (square feet or acreage) | 5,445 | 8,000 | 20,000 | 43,560 | 5 acres | 5,445 | 6,000 | 6,000 |
| Minimum Lot Area per living unit (square feet) | | | | | | | 1,750 | |
| Minimum Setback (feet) | | | | | | | | |
| Front | 25 | 25 | 30 | 30 | 50 | 20 | 15 | 15 |
| Side, Interior | 5 | 5 | 15 | 20 | 20 | 5 | 5 | 5 |
| Side, Corner | 12.5 | 12.5 | 15 | 20 | 30 | 10 | 7.5 | 7.5 |
| Rear, Interior | 20 | 20 | 25 | 25 | 30 | 25 | 25 | 25 |
| Rear, Corner | 20 | 20 | 25 | 25 | 30 | 25 | 15 | 15 |
| Minimum Driveway Length (feet) | 23 | 23 | 23 | 23 | 23 | | | |
| Maximum Height (feet) | 35 | 35 | 35 | 35 | 35 | 35 | 45 | 45 |
| Maximum Number of stories | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 3 | 3 |
| Parking | See Chapter 20.90 | | | | | | | |

20.30.210 Setback Determination

A. Corner Lot

If a lot exceeds the defined dimensions of a corner lot it cannot be considered a corner lot and hence is deemed to have two front property lines abutting the street sides, and a single rear property line and one (or more) side property line(s). The Director of Planning will make the final determination of where the front, side and rear property lines are of a lot where there is some question.

B. Irregular Shape Lot or a Lot with More Than Four (4) Sides

In the case of an irregular shaped lot or a lot with more than 4 sides where there is some questions as to what are the front, side and rear property lines, there shall be at a minimum, one front property line and one rear property line. The rear property line shall be the lot line directly parallel to the front property line and of a width of at least thirty (30) feet in length. If no such lot line exists, the Director shall make the final determination as to the rear property line of such lot.

20.30.220 Setback - Abutting Alley

In computing the depth of a rear setback area for any building, where such rear setback area opens onto an alley, one-half of such alley may be assumed to be a portion of the rear setback area.

20.30.230 Lot Area - Exceptions

- A. Notwithstanding the provisions of Section 20.30.200, the minimum area of a lot or parcel whose area, as shown on a final subdivision map approved by the City of San Jose, is less than the minimum lot area required for said zoning district, but not less than three thousand (3000) square feet shall be the area shown for such lot or parcel on such subdivision map.
- B. The minimum lot area shall not apply to SRO Living Unit Facilities.

20.30.240 Front Setback - Block Average Exception

Except as may be hereinafter otherwise provided, in the R-1-8, R-1-5, R-2, and R-M Residence Districts, when lots comprising forty percent or more of the frontage on one side of a street between two intersecting streets have been developed with buildings having an average front setback with a variation in depth of not more than 10 feet, the front setback applicable to such lots shall be said existing average rather than the setbacks as otherwise referenced in this Title, provided that this provision shall never be deemed to require a front setback of more than fifty feet for any such lot. No additional exceptions to the front setback are allowed to further reduce the front setback.

20.30.250 Side Setback - Exception, R-1 and R-2 Residence Districts

Notwithstanding the provisions of Section 20.30.200, where an interior lot is situate in a R-1 or R-2 Residence District, and such lot has been of record since prior to July 1, 1929, and such lot is and has been since said date less than fifty feet in width, the side setback requirements for such lot, if it is an interior lot, shall be:

- 1. for one-family or two-family dwellings or uses accessory thereto, ten percent of the width of such lot in lieu of the setback established by Section 20.30.200,

provided that in no case shall the side setback requirement be less than four feet; and

2. for buildings used or intended to be used for any purpose other than a one-family or two-family use or uses accessory thereto shall have a side setback of not less than twenty-five feet.

20.30.260 Side Setback - Exception, R-M and R-MH Residence Districts

Notwithstanding the provisions of Section 20.30.200, in the R-M and R-MH Residence Districts, if a building situated or proposed to be situated within a lot has more than two and one-half stories, the side setback established by the provisions of Section 20.30.200 for such lot, if it is an interior lot, shall be increased one foot for each additional story above the second story. If, however, such lot shall have been of record since prior to July 1, 1929, and has a width of less than fifty feet, the side setback established by the provisions of Section 20.30.200 shall be reduced, in such instances, to ten percent of the width of such lot, but to not less than four feet.

20.30.265 Rear Setback - Exception Lots of Record Since July 1, 1929

With respect to any interior or corner lot in an R-1 or R-2 Residence District, and with respect to an interior lot in an R-M Residence District, the rear setback may be reduced to twenty percent (20%) of the depth of such lot if the depth of such lot is less than one hundred (100) feet and if, in addition, such lot has been of record, with such lesser depth, since prior to July 1, 1929. In no case can the rear setback be less than fifteen (15) feet.

20.30.270 Rear Setback - Exception – Corner Lot – Attached Garage

Notwithstanding the provisions of Section 20.30.200, the rear setback for a dwelling on a corner lot in a R-1 and R-2 Residence District, having a garage as an integral part of the building may be reduced to five feet where the portion of said building which is situate within twenty feet of the rear property line of said corner lot does not extend in front of the building setback line required of the lots situate within the same block and to the rear of said corner lot, and where, in addition, the portion of said dwelling which is situate within twenty feet of the rear property line of said corner lot does not occupy more than thirty percent of the rear twenty feet of said corner lot.

20.30.280 Rear Setback - Exception – Additions to Single Family Residences

In the R-1 Residence Districts, an addition, added to an existing one-family dwelling, which is a single story or an enclosed patio and which does not exceed one story above grade, shall have a minimum rear setback of fifteen feet (15'), provided that such addition shall not occupy more than fifty percent (50%) of the area between the rear setback as designated in Section 20.30.200 and said fifteen foot (15') rear setback.

20.30.290 Mobilehome Parks Converted to Residential Ownership

Where mobilehome lots rented to tenants in a mobilehome park in a R-MH Residence District are proposed to be converted to separate lots or parcels, the minimum lot area and setbacks of the proposed lots or parcels may correspond to those of the mobilehome lots existing prior to the conversion.

20.30.300 Maximum Height - Exception

In the R-1, R-2 and R-M Residence Districts, the maximum height of a chimney, weather vane or other similar architectural embellishment mounted on a building and having a horizontal cross section of no more than 20 square feet may be increased to forty (40) feet provided that it does not exceed the height of the building on which it is mounted by more than five (5) feet.

20.30.310 Minor Addition - Exception

The Building Inspector may Permit one-story additions to be erected with the same side setback as an existing structure subject to the following restrictions:

1. No such addition shall reduce, or further diminish a nonconforming setback.
2. No such addition shall be more than 150 square feet in area within the nonconforming setback area.
3. Said addition is a single-story addition.
4. Only one such addition shall be Permitted.

Part 4 Setback Regulations

20.30.400 Setback Areas - Setback Area to be kept Open, Unobstructed, and Unoccupied

Except as otherwise expressly and specifically provided in other Sections of this Title, every part of every setback area shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground, and below the surface of the ground by all buildings or structures except as follows:

1. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any setback area;

2. In the R-1-2, R-1-1 and R-1-RR districts only, sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than four (4) feet into the air space above the surface of the ground in any setback area;
3. Bay windows, on a foundation or cantilevered, or chimneys of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into any setback area, provided that such extensions maintain a minimum side setback of three (3) feet and a rear setback of fifteen (15) feet;
4. Wells for basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into the side and rear setback area, provided that such extensions maintain a minimum side setback of three (3) feet and a rear setback of fifteen (15);
5. Overhead wires necessary for utility service to a building on the lot;
6. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical and other utility needs of the lot or of a building on the lot; and
7. Walks and driveways for vehicular or pedestrian access to the lot provided that in the R-M Residence district, no part of any such walk or driveway situate in any setback area which abuts upon a public street shall be more than two feet above nor more than one foot below the surface grade of the public street on which such setback area abuts. As used in the preceding sentence "surface grade" shall mean the average grade at top of curb, or if there is no curb then at the centerline, of that linear portion of the public street which abuts such setback area.
8. Mechanical equipment, including but not limited to, pool equipment and HVAC equipment, may be placed in the rear setback and must maintain a five (5) foot setback from the rear property line, maintain a setback from the side property line a distance equal to that of the side setback requirements of the respective zoning district, and adhere to the required front setback of the respective zoning district.

20.30.410 Stairs and Porches

Unenclosed porches and stairways, if they do not extend more than three feet above surface grade, may extend into a front setback area not more than five (5) feet. Porches and stairs can be covered.

20.30.420 Rear Setbacks - Projections into

The following encroachments are Permitted into the air space above the surface of the ground in the rear setback area required Section 20.30.200; provided, however, that the horizontal distance, measured at any and all points between the vertical projection of any accessory building or structure (except an uncovered swimming pool, no part of which, other than diving boards, slides and ladder rails, is more than twelve inches above surface grade) and the vertical projection of such encroachments shall be not less than six feet, said Permitted encroachments being as follows:

1. In the R-M Residence District, balconies, decks and corridors of the residential building if they are uncovered and unenclosed, and if the lowest part thereof is not less than eight (8) feet above surface grade, may project horizontally for a distance of not more than five (5) feet into the air space above the surface of the ground in the rear setback area as set forth in Table 20-60. Such balconies, decks and corridors shall not be supported by nor attached to any columns or walls situate in such required rear setback area which is covered by them or be enclosed with glass, screening or walls of any kind nor shall any glass, screening or walls of any kind situate in such required rear setback area be attached to them.
2. Fire escapes of the residential building, if they are uncovered and unenclosed, and if the lowest part thereof when in a retracted position is not less than eight (8) feet above surface grade, may project horizontally for a distance of not more than five (5) feet into the air space above the surface of the ground in the rear setback area required by Section 20.30.200.
3. Eaves of the residential building and/or a roof (e.g., a patio cover) which is attached to the residential building may project horizontally for a distance of not more than four (4) feet into the air space above the surface of the ground in the rear setback area required by other provisions of this Title. Such eaves and/or such roof shall not be supported by nor attached to any columns or walls situate in such required rear setback area; nor shall any part of such required rear setback area which is covered by such eaves and/or such roof be enclosed with glass, screening or walls of any kind, nor shall any glass, screening or walls of any kind situate in such required rear setback area be attached to any part of such eaves or such roof.
4. Eaves of the residential building and/or a roof (e.g., a patio cover) which is attached to the residential building may project for a greater distance than four feet into the air space above the surface of the ground in the rear setback area required by Section 20.30.200, provided that:
 - a. Such eaves and/or such roof may cover up to, but not more than, fifteen percent (15%) of such required rear setback area;

- b. No part of that portion of such eaves and/or of such roof which encroaches more than four feet into such required rear setback area shall be less than seven (7) feet above surface grade;
- c. No part of that portion of such eaves and/or of such roof which encroaches more than four feet into such required rear setback area shall be more than ten (10) feet above surface grade;
- d. No part of that portion of such eaves and/or of such roof which encroaches more than four feet into such required setback area shall have a vertical thickness of more than thirty-six (36) inches;
- e. Such eaves and/or such roof may be supported by columns which are situate in such required rear setback area, but shall not be supported by nor attached to walls which are situate in such required rear setback area;
- f. No part of such eaves nor of such roof nor of any columns supporting such eaves and/or such roof shall be closer than fifteen (15) feet, horizontally, to the rear property line; and
- g. No part of such required rear setback area which is covered by such eaves and/or such roof shall be enclosed with glass, screening or walls of any kind nor shall any glass, screening or walls of any kind situate in such required rear setback area be attached to any part of such eaves, such roof or columns supporting such eaves and/or such roof.

20.30.430 Front Set Back- Parking and Storage

No unmounted camper or vehicle, other than those vehicles expressly specified and allowed under Title 17 of this Code, shall be kept, stored or parked for a period of time in excess of forty-eight (48) consecutive hours in the front setback area of any lot or parcel situate in a residential district or containing a residential use. Such parking or storage is limited to paved surfaces.

20.30.440 Front Setback - Limitation on Amount of Paved Surface

No more than fifty percent (50%) of the required front setback for any lot containing a one-family dwelling or any lot located in any R-1 Residence District with a frontage width of forty (40) feet or greater shall be paved with asphalt, cement or any other impervious surface.

1. For lots which have a frontage width less than forty (40) feet, paving in the front setback area is limited to ten (10) feet in width or fifty percent (50%) of the width of the lot at any given point, whichever is greater.
2. Notwithstanding subsection 1, for lots which have a frontage width less than forty (40) feet, a paved area directly contiguous with, and providing primary access to, two side by side

required parking spaces, may exceed the fifty percent (50%) limitation as long as it is no more than twenty-five (25) feet long and eighteen (18) feet wide.

Part 5 Accessory Buildings and Structures

20.30.500 Development Standards

- A. All accessory buildings and structures in the Residential Zoning Districts shall conform to the development regulations set forth below in Table 20-70.
- B. When the right column of Table 20-70 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply.

| Table 20-70 Accessory Buildings and Structures Development Regulations | | |
|---|------|-------------------|
| Front Setback (feet) | | |
| retaining walls | none | |
| swimming pool, built-in | 30 | |
| detached garage on a lot with two intersecting front property lines | 25 | Note 1 |
| all other accessory buildings and structures | 60 | |
| Side Setback (feet) | | |
| swimming pools, built-in | | |
| interior lot | 5 | |
| corner lot | 9 | |
| all other accessory buildings and structures | none | Notes 2,3 |
| Rear Setback (feet) | | |
| swimming pools, built-in | 5 | |
| all other accessory buildings and structures | none | Notes 2,3 |
| Height (feet) | | |
| retaining wall | 2 | Note 4 |
| all other accessory buildings and structures | 12 | Note 5 |
| Maximum number of stories | 1 | |
| Maximum size (square feet) | | |
| garage | 650 | Note 6, Note 7 |
| all other accessory buildings and structures | 200 | Note 6, Note 7 |

Notes:

1. Measured from front property line which is opposite the designated side property line.
2. On a corner lot, no accessory buildings shall be built within ten (10) feet of the side property line of the street side.

3. With respect to accessory buildings or structures, where any such building or structure is proposed to be constructed on a corner lot which abuts upon a key lot which is for residential use, such building shall be set back not less than four feet from the rear line of such lot, provided that the setback for swimming pools shall not, in any event, be reduced to less than five feet.
4. Maximum height of two (2) feet, unless otherwise approved with a Development Permit.
5. No accessory building or structure shall exceed twelve (12) feet in height except that, for an accessory building with a sloped roof, the height halfway up any slope of a pitched, gable or hip roof may not exceed 12 feet and, in no case, may any portion of the roof exceed a height of sixteen (16) feet.
6. The maximum square footage may be increased pursuant to a Special Use Permit, as provided for in Chapter 20.100 of this Title.
7. The total aggregate square footage of all accessory building(s) built on any property in any R-1 or R-2 Residence Zoning Districts shall not exceed six hundred fifty (650) square feet unless the owner has obtained a Special Use Permit, as provided for in Chapter 20.100 of this Title. For purposes of this Section, the calculation of square footage shall not include any square footage of an accessory structure that is entirely below grade.

20.30.510 Rear Yard Coverage

- A. The cumulative total of the rear yard covered by any part of accessory buildings and accessory structures (not including built-in swimming pools) built in the rear yard shall not exceed 40%, of which accessory buildings can not exceed 30%.
- B. The cumulative total of the rear yard covered by any part of a built-in swimming pool shall not exceed 60%. In calculating the maximum allowable rear yard coverage for a built-in swimming pool, the cumulative total of any part of any accessory building(s) and structure(s) shall be added to the area of the built-in swimming pool.

20.30.520 Separation of Accessory Building

Except for built-in swimming pools, the horizontal distance between any and all points between the building walls of any accessory building and the building walls of any other building on the property including any other accessory building(s) shall not be less than six (6) feet. Eaves may be closer than six (6) feet but will have to meet any applicable building code regulations.

Part 6 Fence Regulations

20.30.600 Fence Regulations

All fences on lots with a single one-family dwelling in any Zoning District shall conform to the development regulations set forth below in Table 20-80. Fences which comply with these requirements do not require approval from the Director. No fence may be erected or constructed which exceeds the height specified in Table 20.80 except as specifically allowed by a variance or in conformance with this Title. All other fencing shall require approval from the Director.

| Table 20-80 Fence Regulations R-1 Residence Districts | |
|--|---|
| Interior Lot | |
| Front Setback Area | Maximum three (3) feet in height |
| Rear Setback Area | Maximum seven (7) feet in height |
| Side Setback Area | Maximum seven (7) feet in height |
| Corner Lot | |
| Front Setback Area | Maximum three (3) feet in height |
| Rear Setback Area | Maximum seven (7) feet in height |
| Adjacent to Side Setback Area of Key Lot or Corner Lot | Maximum three (3) feet in height for a distance of twelve and one-half (12 1/2) feet measured from the street property line and fifteen (15) feet as measured from the rear lot line. |
| Adjacent to a Street | Maximum three (3) feet in height within five (5) feet of property line. Maximum seven (7) feet in height at least five (5) feet from property line. |
| Side Setback Area | Maximum three (3) feet in height within five (5) feet of property line. Maximum 7 feet in height at least five (5) feet from property line. |
| Intersections | Maximum three (3) feet in height within the corner triangle; provided however, that single-stem plants or trees without foliage with a height between three feet and eight feet may be planted and maintained within the corner triangle on any corner lot. |

20.30.610 Measurement of Height

For purposes of this Chapter, the measurement of fence height shall be measured from the grade of the public right-of-way, and from existing grade in the case of all other property lines.

20.30.620 Maximum Height - Exception

When the difference in grade along a common property line exceeds two feet, any fence along the common property line shall not exceed more than 6 feet in height.

20.30.630 Posts and Gates

Support posts or columns, not exceeding four feet in height and eighteen inches in width, and gates and trellises used for pedestrian purposes, not exceeding eight feet in height and five feet in length shall be Permitted, provided such entry is at least fifteen feet away from an intersection.

20.30.640 Prohibited fences

The following materials and fence types are prohibited from use on any parcel of property in the city that is used for residential purposes and is not subject to a development Permit:

1. Barbed wire
2. Razor wire
3. Electric fences
4. Glass
5. Other sharp materials

20.30.650 Swimming and Wading Pool Fencing Requirements

Swimming and wading pools are required to meet the fencing requirements found in Title 17 of the San Jose Municipal Code and/or as amended by State Law.

Part 7 Performance Standards

20.30.700 Performance Standards

- A. In the R-1, R-2, R-M, and R-MH Residential Districts, no primary, secondary, incidental or conditional use or activity related thereto shall be conducted or permitted:
1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
 2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust, vibration, radiation, or fumes; or
 3. In a manner that creates a public or private nuisance.

- B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the Residential Zoning Districts:

1. Air Pollution

Total emissions from any use or combination of uses on a site shall not exceed the emissions and health risk thresholds as established by the Director of Planning.

2. Noise

The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 20-85 at any property line, except upon issuance and in compliance with a Conditional Use Permit as provided in Chapter 20.100.

| Table 20-85 Noise Standards | |
|--|---|
| | Maximum Noise Level in Decibels at Property Line |
| Any residential or non-residential use | 55 |

3. Vibration

There shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.